

ONE HOUSTON CENTER • SUITE 2800  
1221 MCKINNEY STREET  
HOUSTON, TEXAS 77010  
TELEPHONE: (713) 228-8600  
FACSIMILE: (713) 228-8778

**ROSENTHAL & OSHA L.L.P.****Fax**

COPY

Date: August 22, 2002

File: 04995/045001

To: USPTO

Fax No.: (703) 746-9195

CC:

From: Jonathan P. Osha (srt)

Re: REQUEST TO CORRECT FILING RECEIPT

Pages (including cover sheet): 10

☒ **URGENT!**☐ Please Reply☐ Please Review  
& Comment☐ For Your  
InformationPATENT  
ATTORNEY DOCKET NO. 04995/045001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroki Nakahira et al.

Art Unit : 2121

Serial No.: 10/051,522

Examiner : TBA

Filed : December 21, 2001

Title : Control Apparatus for Cutting Machine and Method of Indication

Assistant Commissioner for Patents  
Washington, DC 20231REQUEST TO CORRECT FILING RECEIPT**CONFIDENTIALITY NOTICE**

This document (including any attachments) may contain privileged or confidential information. In the event that this document has been sent to you in error, or otherwise has been misdirected, please call the sender COLLECT at (713) 228-8600 to arrange for its prompt return or destruction. Your cooperation is greatly appreciated.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroki Nakahira et al.                      Art Unit : 2121  
Serial No.: 10/051,522                                      Examiner : TBA  
Filed : December 21, 2001  
Title : Control Apparatus for Cutting Machine and Method of Indication

Assistant Commissioner for Patents  
Washington, DC 20231

**REQUEST TO CORRECT FILING RECEIPT**

Dear Sir:

Applicants request that the filing date of this Application be corrected from "January 22, 2002" to --December 21, 2001--.

Enclosed is a copy of the filing receipt as received from the PTO, with changes marked in red. As noted, the filing date is in error. The correct filing date should be "December 21, 2001" as shown in the enclosed copies of:

- 1) The statement regarding attempted express mail submission pursuant to notice at 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001), filed concurrently with the referenced application.
- 2) The cover page of the Application, which shows the correct filing date of this application.
- 3) A copy of the front page of the package containing the application, stamped "December 21, 2001," which bears a U.S. Postage Stamp.

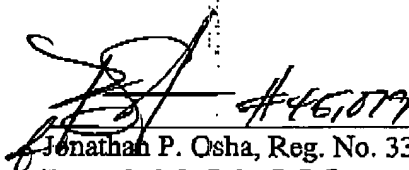
Should the PTO require additional action by the Applicant to act on this request, the Applicant requests that the PTO contact the undersigned. Because this is a PTO error, no

U.S. PATENT APPLICATION NO. 10/051,522  
ATTORNEY DOCKET NO.: 04995/045001

petition is believed necessary. However, if a petition is deemed to be required, please consider this paper as such and charge the appropriate fees to Deposit Account 50-0591, reference No. 04995/045001. If there are any other charges, or any credits, please apply them to the same Deposit Account and reference number.

Respectfully submitted,

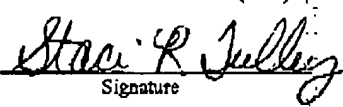
Date: August 22, 2002

  
Jonathan P. Osha, Reg. No. 33,986  
Rosenthal & Osha L.L.P.  
One Houston Center, Suite 2800  
1221 McKinney Street  
Houston, TX 77010

Telephone: (713) 228-8600

Facsimile: (713) 228-8778

34189\_1.DOC

<b>Certificate of Transmission by Facsimile</b>	
I certify that this document is being facsimile transmitted to the USPTO at Fax No. (703) 746-9195 on <u>August 22, 2002</u> .	
(Date)	
	Staci R. Tulley
Signature	Typed Name



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/051,522	01/22/2002	2121	1104	04995/045001	9	9	4

12/21/2001

RECEIVED

FEB 21 2002

ROSENTHAL &amp; OSHA L.L.P.

Jonathan P. Osha  
ROSENTHAL & OSHA L.L.P.  
Suite 4550  
700 Louisiana  
Houston, TX 77002

CONFIRMATION NO. 9282

## FILING RECEIPT



\*0000000007486528\*

Date Mailed: 02/15/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Hiroki Nakahira, Nara, JAPAN;  
Katsuaki Ono, Nara, JAPAN;

## Domestic Priority data as claimed by applicant

## Foreign Applications

JAPAN P. 2000-389193 12/21/2000

Docketing	
Action:	Req Correct OER
Base Date:	2-15-02
Due Date:	7-15-02
Deadline:	7-15-02
Initials:	ED
Atty/Sec. Initials:	

If Required, Foreign Filing License Granted 02/15/2002

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

## Title

Control apparatus for cutting machine and method of indication

## Preliminary Class

700

---

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

Applicant : Hiroki NAKAHIRA *et al.*                      Art Unit :  
Serial No.:    Examiner :  
Filed : December 21, 2001  
Title : CONTROL APPARATUS FOR CUTTING MACHINE AND METHOD  
OF INDICATION

Assistant Commissioner for Patents  
Washington, DC 20231

**STATEMENT REGARDING ATTEMPTED EXPRESS MAIL SUBMISSION**  
**PURSUANT TO NOTICE AT 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001)**

Dear Sir:

I, the undersigned, being a registered patent attorney, presented the accompanying express mail package to the U.S. Postal Service at Bush Intercontinental Airport, Houston, Texas, on December 21, 2001. The package is properly addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

The U.S.P.S. employee refused to accept this package, citing the November 16, 2001, notice of the Chief Operating Officer and Executive Vice President of the United States Postal Service temporarily and immediately suspending Express Mail service to Washington, D.C., ZIP Codes 202xx through 205xx (e.g., 20231). It is noted that the USPTO designated this interruption in the Express Mail service of the USPS as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). The U.S.P.S. employee was unaware that this Notice had been rescinded, and could not be convinced otherwise.

PATENT  
ATTORNEY DOCKET NO.: 04995/045001

Because the Notice has been rescinded, the undersigned did not have on hand the alternative Virginia address designated by the USPTO for acceptance of Express Mail filings. Due to the timing involved, the undersigned was unable to return to his office, re-address the express mail filing, and return to the airport. Accordingly, the undersigned avails himself to the instructions provided by the notice in the Official Gazette on October 9, 2001, that provides guidance in the situation in which a post office refuses to accept the deposit of mail for delivery by Express Mail service. See United States Postal Service Interruption and Emergency, 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001). These instructions provide that the applicant should:

mail the correspondence to the USPTO by registered or first class mail with a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail. The statement must indicate the date on which the person attempted to deposit the correspondence with the USPS and that the USPS refused to accept the correspondence. The statement must be signed in accordance with 37 CFR 10.18. The correspondence should be mailed as set out in 37 CFR 1.1(a) and include the special box designation: BOX FILING DATE.

This statement complies with these instructions in all respects. The undersigned hereby certifies that this paper, and the accompanying utility patent application enclosed in an un-opened express mail envelope, have been mailed on December 21, 2001, to the Assistant Commissioner for Patents, Washington, D.C. 20231, as set out in 37 C.F.R. 1.1(a) and includes the special box designation: BOX FILING DATE.

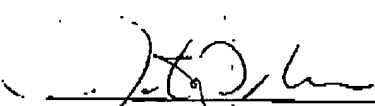
PATENT  
ATTORNEY DOCKET NO.: 04995/045001

No petition is believed necessary for submission of this statement and accordation of the proper filing date of December 21, 2001. However, if a petition is deemed necessary, please consider this paper as such at charge the necessary fee, if any, to Deposit Account 500-591 (Reference Number 04995/045001).

Please apply any charges not covered to Deposit Account 500-591 (Reference Number 04995/045001).

Respectfully submitted,

Date: 12/21/01

  
Jonathan P. Osha, Reg. No. 33,986  
Rosenthal & Osha L.L.P.  
700 Louisiana, Suite 4550  
Houston, TX 77002

Telephone: (713) 228-8600  
Facsimile: (713) 228-8778

SN EE8950450 A3



**BEJAHNERS TILSØG SALVAT CALIN**

<b>DELIVERY (POSTAL USE ONLY)</b>					
Delivery Attempt		Time		Employee Signature	
No.	Day	<input type="checkbox"/> AM	<input type="checkbox"/> PM		
Delivery Attempt		Time		Employee Signature	
No.	Day	<input type="checkbox"/> AM	<input type="checkbox"/> PM		
Delivery Date		Time		Employee Signature	
No.	Day	<input type="checkbox"/> AM	<input type="checkbox"/> PM		
<p><b>WAIVER OF SIGNATURE</b> (Domestic Only; Additional merchandise insurance is valid if waiver of signature is requested). If no delivery is attempted, I warrant delivery to be made without obtaining signature of addressee or addressee's agent. If delivery attempt suggests that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.</p>					
NO DELIVERY				Unread	Customer Signature
				Held	

**F02**

96/101

UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231

FROM: PLEASE PRINT

713 282 8600

PHONE: \_\_\_\_\_

ROSENTHAL & OSHA LLP 4550  
700 LOUISIANA ST STE 1X 77002-2793  
HOUSTON

10057/55570

**www.usps.com**

FOR PICKUP OR TRACKING CALL 1-800-222-1811

**PRESS HARD.**

# EXPRESS MAIL



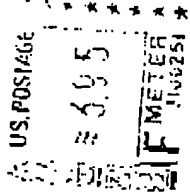
PATENT  
ATTORNEY DOCKET NO. 04995/045001

**APPLICATION  
FOR  
UNITED STATES LETTERS PATENT**

**TITLE: CONTROL APPARATUS FOR CUTTING MACHINE AND  
METHOD OF INDICATION**

**APPLICANTS: Hiroki NAKAHIRA and Katsuaki ONO**

"EXPRESS MAIL" Mailing Label Number: EV054056833US  
Date of Deposit: December 21, 2001



---

ROSENTHAL & OSHA L.L.P.

SUITE 4550 • 700 LOUISIANA STREET  
HOUSTON, TEXAS 77002

---

BOX FILING DATE

~~BOX PATENT APPLICATION~~

Assistant Commissioner for Patents  
Washington, DC 20231